

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES DALTON BELL,

Petitioner,

v.

RICHARD MORGAN,

Respondent.

Case No. C07-5680 RBL/KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on Petitioner's filing of a proposed petition for writ of *habeas corpus* under 28 U.S.C. § 2254. (Dkt. # 1). To file a petition and initiate legal proceedings, petitioner must pay a filing fee of \$5.00 or file a proper application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

Plaintiff thus is required to submit a statement showing the balance and activity of his account for the *six-month period* immediately preceding the filing of his petition.

1 In addition, Local Rule CR 3(b) provides in relevant part:

2 At the time application is made under 28 U.S.C. § 1915 or other
3 applicable acts of Congress, for leave to commence any civil action or to file
4 any petition or motion without being required to prepay fees and costs or give
5 security for them, each petitioner, movant or plaintiff shall:

6 (1) Complete the *in forma pauperis* affidavit approved for use in this
7 district; and

8 (2) File a written consent that the recovery, if any, in the action, to
9 such amount as the court may direct, shall be paid to the clerk who may pay
10 therefrom all unpaid fees and costs taxed against the plaintiff, and to his
11 attorney the amount which the court allows or approves as compensation for
12 the attorney's services.

13 Accordingly, it is **ORDERED**:

- 14 (1) Plaintiff shall either pay the \$5.00 filing fee or submit a fully completed application to
15 proceed *in forma pauperis* (including a copy of the written consent required by Local Rule
16 CR3(b)(2) and a copy of his prison trust account statement showing the balance and
17 activity of his account for the six-month period immediately preceding the filing of his
18 petition) **on or before May 16, 2008.**
- 19 (2) **Failure to cure these deficiencies by the above date shall be deemed a failure to
20 properly prosecute this matter and the Court will recommend dismissal of this
21 matter.**
- 22 (3) The Clerk is directed to send a copy of this Order to plaintiff.

23 DATED this 15th day of April, 2008.

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25 Karen L. Strombom
26 United States Magistrate Judge
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